JENMI AND TENANT BILL.

Mr. Muthunayagom Pillay moved that in view of the importance of the measure and the many petitions received from persons interested, the consideration of the Bill be adjourned to an extraordinary meeting to be convened on the 12th December and proceeded with during a continued session till it is passed.

Mr. Krishnaswamy Rao seconded the motion.

Carried.

DEPARTMENTAL ENQUIRIES BILL.

Mr. Muthunayagom Pillay moved that the Bill be referred to another Select Committee—He said :—

" Mr. President,

" I had written to the Secretary of the Council on the 10th instant that I intended to move today that the Departmental Enquiries Bill be referred again to a Committee for further consideration. I rise now to make the motion of which I had given notice.

" I must confess that I feel great reluctance in attempting to undo to a certain extent, what has been done by a second Select Committee. But as an important question of principle is involved, I think I ought to press my motion, the object of which is to enunciate the principle that the scope of the Bill should be confined to formal or final enquiries as distinguished from informal or preliminary enquiries.

" In British India, Act XXXVII of 1850, which regulates enquiries into the behaviour of public servants, applies to formal enquiries only. Act V of 1893 does not enable officers, other than those who are *specially* deputed by Government to make an enquiry, to summon witnesses. Preliminary enquiries which are made by departmental superiors, without any *special orders* from the Government, are not provided for. The heads of departments are evidently left to collect such evidence as they can, without resorting to any coercive processes. The information so obtained, together with the opinion of the enquiring officer, is placed before Government, who then direct a formal enquiry, if so advised.

" Our Bill as now settled by the Committee, makes no distinction between preliminary and formal enquiries. Section 3 enables every ' officer drawing a salary of not less than one hundred Rupees per mensem ' ' to hold a preliminary enquiry into the conduct of any public servant subordinate to him '; and the following sections invest every such officer with the powers that a Magistrate has under the Criminal Procedure Code, in the matter of summoning and examining witnesses and administering oaths.

" In my humble opinion, it is not advisable to give such large powers to officers holding preliminary enquiries. I will mention one reason. Many an officer having the required salary-qualification, would have but a very limited knowledge of law. By his want of judicial experience, he may allow damaging or incriminating questions to be put to a witness before him ; and the witness being under oath, runs a serious risk in such cases, not to speak of the irreparable harm which may be done to his reputation in the course of his examination. The officer's ignorance of the Law of Evidence and of the Codes of Procedure, may besides lead him into errors full of grave consequences to the accused public servant.

" I think we should confine the power of administering oaths and summoning witnesses, to officers holding formal and public enquiries only. Such officers will always be men specially appointed by the Government for particular cases, and we may be sure that only such officers will be appointed as Commissioners as have a judicial frame of mind and are otherwise well-qualified to sit in judgment on the conduct of the public servants of the State.

" Gentlemen, I therefore propose that the Bill be referred again for consideration to a third Committee, with the enunciation of the principle, that the provisions of the Bill are to apply to formal enquiries only."

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